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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,815	03/08/2004	Linley F. Gumm	7724 US	2073
30078	7590	01/23/2008		
MATTHEW D. RABDAU TEKTRONIX, INC. 14150 S.W. KARL BRAUN DRIVE P.O. BOX 500 (50-LAW) BEAVERTON, OR 97077-0001			EXAMINER WEST, LEWIS G	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 01/23/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/796,815

Applicant(s)

GUMM, LINLEY F.

Examiner

Lewis G. West

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2 pages.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Response to Arguments

Applicant's arguments filed 11/02/2007 have been fully considered but they are not persuasive.

The reference clearly and repeatedly shows the use of both narrowband and wideband channels, and clearly states that more than one signal path may exist, see paragraph 0032, providing direct suggestion for the 103 rejection, and because it shows that there may be two signal paths it cannot "teach away". The reference further shows that signal paths may be wideband or narrowband. Applicant's arguments therefore do not overcome the rejection under 35 USC 103 and this action is made final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over White (US 200).

Regarding claim 1, White discloses a system for simultaneous ACLR measurements comprising: a down conversion system for receiving a wideband signal as an input and providing a corresponding wideband signal as an output; a wideband channel having the corresponding wideband signal as an input and providing a high speed, low resolution data stream as an output;

a narrow band channel having the corresponding wideband signal as an input and providing a low speed, high resolution data stream as an output; and means for processing the respective data streams to produce the simultaneous ACLR measurements. [0017-0018, 0050] Though not expressly shown in the figures, it is disclosed that the arrangement may have multiple paths through the circuitry for different signals for different types of signals. [0032] Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention that the paths may be of different types to promote diverse signaling in the system for interoperability over more systems, each path needing IMD detection.

Regarding claim 2, White discloses the system as recited in claim 1 wherein the narrow band channel comprises: a tunable IF frequency converter having the corresponding wideband signal as an input and providing a narrow band signal as an output; and a low speed, high resolution ADC having the narrow band signal as an input and providing the low speed, high resolution data stream as an output. [0036-0038]

Regarding claim 3, White discloses the system as recited in claims 1 or 2 wherein the wideband channel comprises: an IF frequency converter having the corresponding wideband signal as an input and providing a converted wideband signal as an output; and a high speed, low resolution ADC having the converted wideband signal as an input and providing the high speed, low resolution data stream as an output. [0036-0038]

Regarding claim 4, White discloses the system as recited in claim 3 wherein the corresponding wideband signal input to the tunable IF frequency converter comprises the converted wideband signal. [0036-0038]

Regarding claim 5, White discloses the system as recited in claims 1 or 2 wherein the wideband channel comprises a high speed, low resolution ADC having the corresponding wideband signal as an input and providing the high speed, low resolution data stream as an output. [0036-0038]

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 571-272-7859. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lewis G. West
Primary Examiner
Art Unit 2618